

March 22, 2018



Talbot County Planning Commission
Final Decision Summary

Wednesday, January 3, 2018 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

Attendance:

Commission Members:

John N. Fischer, Jr., Chairman
Paul Spies, Vice Chairman
William Boicourt
Michael Sullivan
Phillip "Chip" Councill

Staff:

Mary Kay Verdery, Planning Officer
Miguel Salinas, Assistant Planning Officer
Brennan Tarleton, Planner I
Elisa Deflaux, Environmental Planner
Ray Clarke, County Engineer
Tony Kupersmith, County Attorney
Mary O'Donnell, Assistant County Attorney
Carole Sellman, Recording Secretary

1. Call to Order—Commissioner Boicourt called the meeting to order at 9:15 a.m. There was a delay in starting due to technical difficulties in the recording equipment.

2. Election of Officers

Commissioner Boicourt explained that the Office of Chairman is a three year rotating commission. Traditionally the Commission is chaired by a rotating Chairmanship. He opened the floor for nominations for Chairman. Commissioner Sullivan nominated Jack Fischer for Chairman, Commissioner Councill seconded the motion. There were no other nominations. The Commission voted. Ms. Verdery counted the votes and stated there were 4 votes in favor of Commissioner Fischer and one abstaining. Commissioner Fischer was voted in as Chairman.

Commissioner Fischer opened the floor for nominations for Vice Chairman. Commissioner Councill nominated Paul Spies for Vice Chairman, Commissioner Sullivan seconded the motion. There were no other nominations. The Commission voted. Ms. Verdery counted the votes and stated there were 4 votes in favor of Commissioner Spies and one abstaining. Commissioner Spies was voted in as Vice Chairman.

3. Decision Summary Review—December 7, 2017

Commissioner Fischer explained that the Minutes for December 7, 2017 were not yet available for review. These Minutes would be reviewed at the February meeting.

4. Old Business

55 a. Closed Session

56
57 Ms. Verdery presented the Commissioners who were present at the closed session
58 a copy of the Minutes from that session to review, approve and sign.

59
60 Commissioner Boicourt moved to accept the Minutes from the closed session on
61 November 20, 2017. Commissioner Cuncell seconded the motion. The motion
62 carried unanimously.

63
64 b. Amendments to Resolution 250

65
66 Mr. Clarke gave a summary of how they had gotten to this point. On July 13,
67 2017 Talbot County Public Works and Planning Office, as well as a couple of
68 members of the County Council met with citizens of Neavitt to discuss the need
69 and timing for sewer. The application needs to be in to the Maryland Department
70 of the Environment (MDE) by the end of January in order to have funding
71 approved by July 1, 2019. On August 7th they met with representatives of the
72 Maryland Department of Planning (MDP) and Maryland Department of the
73 Environment (MDE). They discussed the creation of sewer service areas and the
74 need for restricted or denied area access lines. On September 26 Resolution 250
75 was introduced by the County Council. He stated there was an executive session
76 with the Planning Commission and Public Works Advisory Board (PWAB), as
77 well as a work session with the County Council and Maryland Department of
78 Agriculture (MDA) and Maryland Department of Planning (MDP) looking at
79 abutting lots to meet State requirements. The County Council on November 28th
80 introduced Amendments 1, 2 and 3. Amendment 1 dealt with abutting lots.
81 Amendment 2 dealt with abutting lots but it is ultimately the property owner who
82 would request to be in the sewer service area when they wanted to come in.
83 Amendment 3 introduced a new whereas: *“WHEREAS, it is the intention of the*
84 *Council that the inclusion of Tier IV parcels in this new sewer service area will*
85 *not increase the amount of development or density allowed by law”*.

86
87 On December 6th the Public Works Advisory Board reviewed both Bills and
88 deferred Bill 1378 until today’s meeting. The Board decided to make a motion to
89 recommend County Council adopt Amendment No. 3 and that was a 3-0 vote and
90 reviewed Amendment No. 1 and a motion was made to adopt Amendment No. 1
91 and the board voted 3-0 for that. They decided to take no action on Amendment
92 No. 2.

93
94 Mr. Clarke stated under Resolution 250 there are roughly 481 improved lots, 70
95 unimproved lots, 11 would be eligible for subdivision, with a potential of 20 to be
96 created in the Village Center (VC); 4 lots in the Rural Residential (RR), and no
97 lots in the Rural Conservation (RC) for a total of 575 lots. Under Amendment 1
98 the improved lots would increase to 529 with an increase in the unimproved lots
99 to 81. The VC lots would remain the same at 20, RR would remain the same at 4,
100 and the RC would be 15, for a total of 649.

101
102 Mr. Clarke stated that the approved Amendment 1 approved by the CC, with the
103 Planning Commission having found it is consistent with the Comprehensive Plan,
104 would go to the State for review and comments from MDP. With that they would
105 provide the Department of Public Works with an approval letter. That would
106 make the Department of Public Works eligible for applying for granting funding
107 and loans at the end of January. If the PC does not find it consistent with the
108 Comprehensive Plan they would need to resubmit for applications in January
109 2019 and not be eligible for funding in 2020.

110
111 Commissioner Fischer stated the plan as proposed is to deal with the Resolution
112 250 amendments as the Comprehensive Plan stands now, and then to deal with the
113 Comprehensive Plan as it is with Bill 1378.

114
115 Commissioner Spies asked wouldn't that mean wasting the time and then it
116 changes when we deal with Bill 1378? Couldn't it be tabled until we discuss Bill
117 1378?

118
119 Commissioner Fischer asked Ms. Verdery what her preference was.

120
121 Ms. Verdery stated the Planning Commission could find the amendments to
122 Resolution 250 consistent with the current Comprehensive Plan before or after we
123 have the conversation about Bill 1378. But you have to vote both ways,
124 consistency with the current Comprehensive Plan as it exists and as it is
125 potentially amended with the condition that it be amended in the format with your
126 recommendations.

127
128 Commissioner Fischer asked for public comment on the amendments to
129 Resolution 250.

130
131 Tom Alspach, Bay Street, stated he shared Commissioner Spies confusion. We
132 are being asked to find Resolution 250 consistent with the Comprehensive Plan
133 without addressing Bill 1378. Without Bill 1378 in place the Comprehensive
134 Plan clearly says you extend sewer only to IIIB and IIIC, not Tier IV. As we sit
135 here the Comprehensive Plan has not been amended. There is no point in
136 proceeding in this fashion without Bill 1378 first having been approved. He stated
137 he hopes to have an opportunity to comment if and when the Commission adopts
138 Bill 1378 such that you have a Comprehensive Plan with which Resolution 250
139 could be consistent.

140
141 Commissioner Fischer stated he prefers to discuss the amendments to Resolution
142 250 prior to discussing Bill 1378.

143
144 Dan Watson, Aveley Manor Lane, stated he echoes Mr. Alspach's comments. He
145 feels the broader picture has to do with Bill 1378, but he guesses this is the only
146 opportunity to opine.

Commissioner Fischer stated this is not the only opportunity. The Commission will be discussing Bill 1378 later in the meeting. Mr. Watson stepped down until later.

Bill Kennedy, Sherwood, Maryland, wanted to comment on why they are here at all. He sent his comments to Andy Hollis and he would send them to the Commission. Mr. Kennedy stated he would like to introduce himself. He has 28 years experience with the Washington Suburban Sanitary Commission in Prince George's County. He dealt with running low water sewer systems and failing septs. He also had extensive water quality experience as chairman of water quality in the Governor's Cabinet. Everything was dealt with in a comprehensive approach. He does not see why you can't step back a year. For Talbot County it is less than 5% of the total maximum load for the whole County. Take this on as a comprehensive plan over the next year rather than passing this piecemeal legislation.

Alan Chevar, August Street, Easton, representing the Chesapeake Foundation. He appreciates the Commission, Staff and County Council's interest in this issue. Septic pollution is one of the few sources of pollution in the bay that is on the rise. It is important to Talbot County, it is important to the residents of Neavitt, and it is important that it gets done right. He stated a comment letter was put together to the Commission on December 6th that outlines some of the challenges with finding Resolution 250 consistent with the Comprehensive Plan. They tried to look at Resolution 250 as amended and determine it for themselves and it was hard to do. It is hard to figure net impacts from nitrogen pollution not just from the septic system improvements that would occur from the sewer extension but also any impacts from changes in land use and whether impervious surface would increase from development activity. He stated they looked at the MDP criteria to determine total net impact to water quality. Some of the criteria they look at for an application for funding include: information regarding any potential new development resulting from the project, measures to be taken to mitigate potential impacts of new development resulting from the project, evidence that demonstrates the total net nitrogen reduction resulting from the project as well as any new growth. This is important because when the County applies for funding in this competitive pool across the State they are ranking applications by their cost effectiveness, dollars per pound. We would love to see some clear information from the County about what those total net impacts would be. Looking at the proposed zoning code change for the villages could dramatically change the amount of total nitrogen that would arrive in local waters. He stated their letter recommended the Commission go forward with the zoning update for the villages. It is important to have some of those other issues resolved before going ahead.

Commissioner Fischer stated Mr. Chevar had made a reference to ghost lots. Mr. Chevar stated ghost lots is a situation where there may be deeds not yet recorded and might change the number of lots anticipated to be served by the project and

193 add additional costs later on. Queen Anne's County passed a lot consolidation
194 ordinance which set clear expectation for what lots will be served by the project
195 rather than move forward and have additional lots come up later. That was
196 adjudicated and resolved as a legal way to proceed.

197
198 Wink Cowee, resident of Neavitt. She referred to Mr. Kennedy's comment about
199 nitrogen reduction. She stated she is a realtor and has been in the business over 30
200 years. She stated she has represented quite a few properties in this community.
201 The average size of a lot in her town is about a third of an acre. It is not just the
202 nitrogen reduction. On her street alone there are three failed septic systems with
203 raw sewage coming on the ground and people do not have the funds to replace
204 those system. She said she has properties she cannot sell; property values are
205 going down.

206
207 Josh Hastings, Policy Manager for Eastern Shore Land Conservancy. His
208 organization has been around for more than 25 years commenting on
209 Comprehensive Plans and trying to put in good growth policy in the Upper Shore.
210 Their mission is they are committed to preserving and sustaining vibrant towns on
211 the Eastern Shore and serving land and waters connecting them. We were there in
212 the midst of working with the Farm Bureau for Senate Bill 236 in 2012. This is a
213 tricky business but in general we worked hard to make sure that the Tier IV areas
214 that we wanted to protect. We don't want to rush things. We want to protect rural
215 areas.

216
217 Tim Junkin, supports the idea of sewer extension and feels it is long overdue in
218 this County; it improves water quality and septic. Strong preference is that sewer
219 extension be accompanied by safeguards. If you have rapid growth due to sewer
220 you lose all the benefits as far as water quality goes. Their mission is to protect
221 and preserve rivers. There are ways to do safeguards to ensure and not end up
222 with explosive growth. The safeguards can be accomplished with a funding
223 mechanism with the state where you make commitments as to how many hookups
224 would be allowed. It can be done through lot consolidation, and other ways. He
225 stated they have looked at this proposed bill and don't see those safeguards. The
226 calculations Mr. Clarke has done are not particularly alarming but do not know if
227 they are engraved in stone or if there will be some additional zoning amendments
228 in the future. If you couple this with the wider amendment that would affect the
229 Comprehensive Plan Countywide, which would involve going to Oxford,
230 Tilghman and other places it becomes somewhat alarming. Mr. Junkin stated that
231 nine or ten years ago it was suggested that sewer be extended to Oxford. That
232 effort failed because of the same concerns in the community of rampant growth.
233 He does not want this effort to fail. We don't have to amend the Comprehensive
234 Plan now. Mr. Junkin stated he hopes the Commission will go back to the County
235 Council and say we need more information, we need these safeguards in place.
236 We need to make it happen, but we need to make it happen the right way.
237

Ms. Verdery stated we received three emails that were in support of extension and one from Karen Gladden, one from Becky Froass, who are in support of extension of sewer to Neavitt and one from Wayne See who was not in support. Ms. Verdery also reminded everyone to sign in.

Mr. Kupersmith stated we do not know what kind of additional restrictions the State might seek to impose as a condition of funding. We do know as a pre-condition for applying the County needs to move forward with some type of Comprehensive Water and Sewer amendment. The State may look at it and come back and say they want additional limitations in grant conditions and restrictions. We do not know what they will be yet.

Commissioner Fischer stated the vote they will take will be whether each of the amendments, one at a time, is consistent with the Comprehensive Plan.

Commissioner Boicourt stated at the August 7th meeting Mr. Clarke presented additional maps for sewer going to Bozeman and Neavitt. Two members of the County Council, PWAB and a number of citizens were there. This was a listening environment, we looked at the map and found out that Tier IV was not only on the agenda but we could not say no. Later the maps were reduced. We had gone through a long Comprehensive Plan process that provided us a structure for going forward with sewage. The assumption was Tier IV was off the table and it turned out to be incorrect. The planning was based on Tier I through Tier III as the way to go and we would not have to deal with Tier IV. Fast forward to Resolution 250, and having gone through Tier III, that this is going to be consistent with Comprehensive Plan and there was nothing to worry about. Mr. Gerard thankfully talked about the density and the Rules in COMAR for the Bay Restoration Funds. One, that you have some sense of impact on growth and two, that you have a plan for mitigating that growth. Mr. Gerard was focusing on nitrogen as a primary concern. There is some effort to go forward with that issue. Commissioner Boicourt stated his problem with Resolution 250 is that a mapped set of Tiers is not a Water and Sewer Plan. A Water and Sewer Plan is set up by our esteemed, talented and dedicated County Engineers and we look upon it as to what the implications are as far as the Comprehensive Plan. He stated part of that issue is growth, and in his estimation, we have not done that adequately. It will come back to talking about Bill 1378. The actual application of the Comprehensive Plan has to do with the extension of sewer and the plan and development of the sewer service areas. He recommended meeting with the Office of Law. He suggested not looking at every little deed and record but making a plan and structure in place for now and for the future of the other peninsulas.

Commissioner Sullivan said originally Resolution 250 was found consistent with the Comprehensive Plan, to take the sewer line down to the villages and resolve the sewer issues. We haven't finished. We have redefined the villages, we now have boundaries for the villages, the designations for the villages have not been done and the densities have not been done. On an emergency basis it made sense,

284 we had the funding and were going to do it. Let's back up a little bit, in 2010-
285 2011, after the financial collapse, Federal cut back on State, State cut back on
286 County, everybody was looking for money. He said he sat in meetings with the
287 MDP and MDE telling the administrators from Trappe saying they had this pile of
288 money that they needed to spend and asking if there was a project. He feels
289 Resolution 250 has been pushed because of the funding and the need. Everybody
290 agrees that the need is there. Not everybody agrees the funding is there at this
291 point. Will the funding be there next year? Most likely yes. When we focused on
292 250 it was sort of a regionalized thing. It is the villages, it is the lots that will be
293 affected and we had boundaries around it. Now with this State requirement of tie-
294 ins for certain properties, we are now bringing in and enlarging the
295 Comprehensive Plan. We are not setting a precedent, but close to it. He does not
296 think we can do that. We have not done any analysis of this at all.

297
298 Commissioner Spies stated he has been seven years on the Commission and is
299 finally getting a handle on what he is supposed to be doing. Whether we think this
300 is being pushed through way too fast, way too slow, being snuck through, it does
301 not matter. We have to rule on it. It is frustrating. Whether we agree on it or not
302 we have to look at whether it is in compliance with the Comprehensive Plan. If it
303 is going to do X, Y or Z, that is what we have to judge on. He says he definitely
304 has an opinion about the bill, but pushing that aside, does it affect the Plan. We
305 need to give very thorough notes as to why we support it or not.

306
307 Commissioner Councill stated when he looks at the Comprehensive Plan and the
308 hours and hours of testimony and deliberation, if anything came out it was the
309 environmental sensitivity of the Bay. He stated when he spends time in Bozman
310 and Neavitt and looks at the size of the lots, the problems that we have with water
311 quality, this decision comes pretty easy for him.

312
313 Commissioner Sullivan stated what we have is three Amendments to Resolution
314 250. We look at these without having dealt with Bill 1378. Our responsibility is to
315 determine whether we believe these Amendments, individually, are consistent
316 with the existing Comprehensive Plan.

317
318 Commissioner Sullivan asked if we say this is consistent as it is written, it does
319 not address Tier IV at all, we are accepting the fact that this is also going to
320 involve Tier IV properties, which would not be consistent.

321
322 Mr. Kupersmith stated the first two Amendments would bring in some Tier IV
323 properties, so if you are looking at consistency you are comparing Resolution 250
324 by Amendment; you are asking if it is consistent with the current existing
325 Comprehensive Plan. Consistency means an action which will further and not be
326 contrary to the following items in the Plan: the policies, the timing of
327 implementation of the Plan, timing of development, timing of rezoning,
328 development patterns, land uses, densities or intensities. Those criteria are listed

329 in the Comprehensive Plan as well. For each of these proposed Amendments that
330 is what you are looking at.

331
332 **Commissioner Councill moved that Amendment 1 was consistent with the**
333 **Comprehensive Plan; Commissioner Spies seconded the Motion. By a vote of**
334 **3-2 the Motion failed.** (Boicourt, Fischer, Sullivan - Nay; Councill, Spies -Aye)
335

336 **Commissioner Sullivan moved that Amendment 2 is not consistent with the**
337 **Comprehensive Plan; Commissioner Boicourt seconded the Motion. By a**
338 **vote of 3-2 the Motion passed.** (Boicourt, Fischer, Sullivan –Aye; Councill,
339 Spies - Nay)
340

341 **Commissioner Spies moved that Amendment 3 is consistent with the**
342 **Comprehensive Plan; Commissioner Councill seconded the motion. By a**
343 **vote of 4-1 the Motion passed.** (Sullivan Nay, all others Aye)
344

345 **5. New Business**

346 a. Amendment No 1378

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348
349 Commissioner Fischer stated we will now turn to Bill 1378.
350

351 Mr. Kupersmith stated Bill 1378 is an Amendment to the Comprehensive Plan.
352 The Planning Commission is tasked with making recommendations to the County
353 Council for Comprehensive Plan Amendments. The intent is to clarify the
354 ambiguity in the Plan regarding extension to Tier IV. With the Plan as it currently
355 exists people have different opinions about what the different policies say or
356 mean. This Amendment clarifies that there is a very limited circumstance under
357 which you could extend sewer to a Tier IV property; essentially to comply with
358 the State law where there is an abutting principal requirement. That is the intent,
359 so the question is you have an obligation to make a recommendation to the
360 County Council on that.
361

362 Ray Clarke recommended the Commission look at Bill 1378 favorably. The issues
363 of lot consolidation, changes in land use, those come from zoning, from the
364 Planning Office. The Chesapeake Bay Foundation found 208 lots in the VC zone.
365 Mr. Clark stated at 1:1 in the VC zone the current 70 lots would create about 203
366 parcels in Bozman/Neavitt. He stated there are 11 parcels under the 2 acre lots;
367 that would create 20. The totals would change with the zoning Resolution 250
368 from 575, with the Amendment 1:1 to 832. The changes do not come from Public
369 Works; it comes from the Planning Office. He stated he is also a firm supporter of
370 sewer extensions.
371

372 Tom Alspach stated first of all everyone is in favor of extending sewer to Bozman
373 and Neavitt. Secondly, we are going about this backwards. We now have a Bill
374 1378 that does not just apply to Bozman and Neavitt, it applies to the entire

County. The law that requires you to extend to abutting lots, both the State and the County law, has been on the books for many, many years. During the time when the Comprehensive Plan was being completed no one made an issue of that law until now. We have no idea what the implications of Bill 1378 increased development would be, not just in the Bozman/Neavitt corridor, but throughout the County. Looking at the map it is about double what was planned during the Comprehensive Plan. If this was proposed during the Comprehensive Plan, he would be pretty confident this would not have been acceptable at any level. We are not talking about consistency with the Comprehensive Plan here, as someone pointed out. That is not the criterion. New legislation should be compliant with the Comprehensive Plan intended. Where this discussion has been focused is solely on the issue of getting septic systems onto sewer. That is not the only objective of the Comprehensive Plan in terms of land use. Over and over the primary goal of the Comprehensive Plan is to preserve the existing rural character of the County and prevention of the overburdening of railways and other existing infrastructure. You can't just look at are you going to ameliorate failing septic systems. That is a good thing to do. The Comprehensive Plan objectives and goals are much broader than that. At what point do you, by expanding the extension of sewer at the same time, contravene the primary goal, which is to prevent the overdevelopment and preservation of our rural character. You cannot address that issue without knowing the ultimate lot count. What we should have for this Commission, to do good planning and to be able to make reasonable judgments on these proposed legislative endeavors, is good numbers. How much are we approving here. Those issues are not being addressed by Bill 1378. All Bill 1378 does is tell you they are now going to extend sewer into Tier IV throughout the County under certain criteria. You should know before you decide what you are going to do and what the implications are: how much development throughout the area you are improving, how much farmland will be converted to residential, what effect that will have on the Comprehensive Plan. You need that data before you pass legislation that will affect the entire County.

Tim Junkin, Shore Rivers, stated he supports sewer. He thinks this Planning Commission should go back to the County Council with some recommendations. He stated he was at the last Council meeting and some of the County Council members expressed that they wanted to know the Commission's views on this Amendment. We want to see this sewer project eventually happen. The problem with this Amendment is that this is Countywide and we have no idea what is in store for the Oxford corridor, for the Tilghman Island corridor, for so many other places; we don't know what kind of safeguards need to be in place. If you like this project and want to see it move forward quickly there are a couple of things he would suggest as recommendations to the County Council. Let's just amend the Comprehensive Plan specifically for the Bozman/Neavitt corridor and not for the entire County. We are fairly far along with the project in place for that corridor. The County Attorney can check, but we are certainly able to have a Comprehensive Plan that treats certain segments of the County in certain ways. Let's figure out what we are comfortable with as the maximum number of

hookups this extension should be. The State may come back and say we will only fund this if you agree to an “X” number of hook ups. Let’s decide what our County is comfortable with. Then we can put that into the funding and we can put that into Resolution 250 if it goes further. With those two safeguards in place we can move this project forward very quickly. He stated those are the recommendations he hopes the Commission will consider as making to the County Council. It is somewhat telling that you have some fairly large environmental organizations in our community which we are fortunate to have such as Shore Rivers, Chesapeake Bay Foundation, Eastern Shore Land Conservancy, Talbot Preservation Association, and they are all coming forward with caution, with concerns about this amendment. We all want to see sewer going in where it is needed. But it is somewhat telling the unanimity in their analysis.

Commission Sullivan stated he had heard about at least two Counties who had received waivers for Tier IV areas that exempted properties, he thought Wicomico and Queen Anne’s County. Mr. Kupersmith stated he is not sure of what those exemptions may or may not be. This proposal to extend sewer is limited to the Bozman and Neavitt neck. Obviously Bill 1378 would affect everything Countywide. If you look at the language in Bill 1378 it does talk about Tier IV properties mapped in the new sewer service area. Each time the County goes through the process of a new sewer service extension, when we get through that point we are going to go through this process again. It has been pointed out to us that this language will also be applicable then, it is true. If you look at the language, it talks about abutting Tier III-B or Tier III-C. If it is the judgment of Ray Clarke, PWAB that they want to propose a certain sewer extension, and if that includes certain Tier III-B and Tier III-C areas, then abutting Tier IVs would also be included. But we don’t know what the scope of that possible sewer extension is. What this proposal does is just provides a clear basis for making a consistency finding where you have to bring in a Tier IV property due to State law. In terms of the Oxford corridor with the tier map, there are no Tier III-B or Tier III-C areas down that corridor. When this map was completed originally the Oxford corridor was not a planned place for extended sewer.

Dan Watson stated that like everyone else in the room he supports sewer for Neavitt and the other western villages. In 1911 the Town of Easton made a commitment to put in paving, utilities and sewer and that pushed it into the modern age. Right after the Bay Bridge was put in and the first Planning Commission and the County Council were installed, they killed the motion to put in a 1,000 acre oil refinery in the western section of the County. He thinks this issue of extending the sewer line to all of the peninsulas in the western area of the County raises to that rank, especially if somehow we get it wrong. When you screw it up you can’t unscrew it. You can clean up the western Villages, Neavitt and all of the others, but you have to risk changing, eroding and undercutting the primary goal of maintaining the rural quality of life. There are three things he believes. One is that all of the consequences of this Bill 1378 have not been

identified, much less analyzed. The body of the Bill points out it affects about 113,000 acres of Talbot County. That is just about equal to the total acreage of farmland in Talbot County. He does not think we would be making major changes affecting regulatory changes to the farmland in this County, on the fly, with the unintended consequences that might flow from it. All of the alternatives in this Hobson's Choice haven't been explored yet. The very section of the State Code that causes this entire problem, the next section is an exception for Alleghany County and the next section is an exception for Worcester County, and both have slightly different rules applicable to the issue. The basic Comprehensive Plan Law includes a section that has a special provision for St. Mary's County. So there are ways to accommodate special exceptions. How is it that we cannot explore special customizing. Insufficient effort has been put into devising the checks and balances. The Staff has been open in soliciting what more might the people want to see. Right now the conditions are adequate capacity at the treatment plan. But that is not so much a condition as an obligation. It has to be an area of environmental concern; the entire western area is of concern. Lines have to be feasibly and reasonably practical. Is it not the Planning Commission who wants to be the guardian of the Comprehensive Plan process. This Bill was introduced on November 28th. This bill sprung alive on November 28th and makes a mockery of the Comprehensive Plan process because we need to make decades long decisions by January 31st. It is a hasty process of great importance and he is really disappointed that the choice seems to be to move with such haste and he would urge the Commission table the matter. The long recitation of the things in the Comprehensive Plan for putting in sewer, there is no mention in the Bill about protection of rural character. That idea needs to be woven into Bill 1378 because down the road there will be arguments, litigation about rezoning. The day will come when what's needed is a recitation that we did not put in these sewer lines to spur development.

Josh Hastings, Eastern Shore Land Conservancy, S. Washington Street, did not have a problem with any sewer extension to Bozman and Neavitt. Some of the maps passed around look different. We should have a solid understanding of what to expect as we move forward. He would emphasize the process and he greatly respects the Commission's analysis. He further appreciates the staffs' hard work.

Alan Girard, Chesapeake Bay Foundation, some of the language in the bill regarding feasibility, it actually uses the word feasible twice. What is the criteria by which the State will be helping finance sewer extension to the County? We have to look at total net nitrogen load, how many lots will be served. He was glad that Mr. Clarke had discussed the 200 additional possible lots. After the zoning update comes into play, how many lots are we talking about? There is a January 31st deadline to get the funding application in. It is not uncommon to submit an application and make changes later. He fully expects there will be additional details later. He does expect the application would be complete without a zoning change and some impacts. We encourage you to move forward with the zoning update, we encourage you to consider a lot consolidation ordinance. This would

add more clarity and confidence on the number of lots. When a septic system fails after a lot has been installed, what is the criteria by which a lot owner could connect to the system? A little bit more clarity on the process and procedure on that would be important now to help anticipate that conversation for the property owner later. Also anticipate what the total net impacts to water quality would be as you have the conversation about Comp Plan language with the County Council.

Mark McInturff, Bozman Neavitt Road, is here with a number of Neavitt citizens, this is their twenty-first consecutive public meeting on this project. To call this hasty is a very difficult thing to listen to. He has been a practicing Architect for forty-five years and has worked in sixteen states in sixty jurisdictions. The only driver of land use in all those places is Planning and Zoning. There should be much more faith in Planning and Zoning here. You have excellent staff, an excellent office and an excellent Ordinance which has built in everything you want which is the rural character of the County. You do not need belts and suspenders by having both the Sewer Plan and the Planning and Zoning Plan doing the same thing. He asked if any of the opposition lived in Bozman or Neavitt. He called attention to one of the comments from the opposition which was a chart demonstrated by Mr. Clarke. If you track across the total number of new lots there is no net growth. There is no increased density.

Dan Cowee, Nelson Point Road, Neavitt. There has been a term that has been thrown around here today and he would like to get a consensus of what rural character is all about. One gentleman spoke about the oil refinery in 1953 but what he didn't tell you was that the zoning for the most part was 1 dwelling for two acres. In 1974 it was one dwelling for 2 acres. It was not until 1989 that the Critical Area portion of the County was reclassified 1 per 20. In 1991 the County decided that the remaining portion of the County 62% in critical area the rest in non-critical. In terms of total potential development of the County he does not see it happening. One unit per 20 acres; a significant amount of it is under easement. For Critical Area, a good portion of it is already in Critical Area. If we look at what has already been done with sewer before in this County, an upgrade to St. Michaels first, then collection lines all the way to Tunis Mills, Unionville, Copperville, then back through Royal Oak all the way out to Bellevue. We did not have all of these discussions at that time, everyone was happy to have sewer. The biggest concern here is the density question. The concern is to get sewer so we are not putting more nitrogen and phosphorous into the Bay.

Linda Carlson, Neavitt, stated she and her husband have been property owners since 1981. She would implore the Commission to back Bill 1378 and the amendments to Resolution 250. Neavitt is a very special unique village. It epitomizes villages in the Comprehensive Plan. The village has evolved over time from a watermen and farming village to one consisting of watermen, retired folk, weekenders, teleworkers and younger couples who commute daily from Neavitt to other areas to work, such as the Talbot County Librarian who lives in Neavitt. There are at least 11 rural cottage business in Neavitt. There are approximately

130 houses in Neavitt. Most are on small lots that have little or no capacity to add new septic. We already have had six houses that are uninhabitable because the septic has failed. Without sewer more properties will fall into this perilous category. We in Neavitt don't want the village to die or become a slum as Councilman Bartlett predicted would happen if they didn't get sewer soon. He flat out said it several times. That is why a group of Neavitteers formed a team this past July to push for sewer in Neavitt. We have been encouraged by the acknowledgement of Council persons Price and Bartlett among others that "no one is opposed to sewer for Bozman and Neavitt". However, we have been more than frustrated by the concern by some who are not residents of Neavitt and maybe have never been to Neavitt that running a sewer line to Neavitt would somehow destroy the rural character of Talbot County. I think it is quite clear from Mark McInturff's analysis of Ray Clarke's numbers that Bill 1378 allows for no more new development than Resolution 250 under the Zoning Ordinance. Hence the sewer line servicing the neck will not and cannot allow for more development than zoning law allows, and you are the ones who control zoning. That does not change the rural character of the Bozman/Neavitt neck nor of Talbot County. In fact bringing sewer to Neavitt now, and not after additional years of study, would facilitate realization of the County's Comprehensive Plan which stresses the importance of preserving the cultural heritage of the many small rural villages in the County. Through the passage of Bill 1378 now the future of Neavitt will be secured. In particular, a core tenant of your own Comprehensive Plan found on pages 8-1 and 8-2, which stresses historic resource preservation which are the rural villages, will be honored by allowing Neavitt to continue to be a vibrant village. Without movement on sewer for Neavitt now, Neavitt will ultimately perish. Mrs. Carlson stated, in conclusion she would be remiss if she did not commend the very professional and dedicated staff of Talbot County and should particularly thank Mary Kay Verdery, Miguel Salinas and Ray Clarke.

George Carlson, long time resident of Neavitt, urged Talbot County Planning Commission to approve Resolution 250 and the amendments and Bill 1378 which would bring badly needed sewer services to Neavitt. He and his wife have been homeowners in Neavitt since 1981. They were attracted to the villages by a number of things, its beauty, enchanting rural way of life, proximity to the water, and sense of community where neighbors celebrate and mourn together. One factor now threatens its very existence, its rural lifestyle and the environment. Neavitt is a village that is close to the water, with small lots, high ground water, and poor drainage. Some of these lots may have failing or already failed septic systems. According to the Talbot County Department of Public Works there are approximately or nearly 500 improved lots in Neavitt and Bozman; assuming a 20 year life span for a septic system that means that roughly 25 systems would fail each year in Bozman and Neavitt. In Neavitt the problem is acute since many properties have no room for a replacement septic system if the system were to fail. The consequence would be draconian, the property would become uninhabitable. Failed septic systems pose an environmental threat to the

Chesapeake and a clear danger to public health and safety. In addition, the prospect of septic system failures constitutes an existential threat to the future of Neavitt and the other villages covered by Resolutions 250 and Bill 1378 and amendments. The answer to this acute environmental problem and to ensure the continued vitality of the village of Neavitt, is that the Village of Neavitt desperately needs to be connected to the Talbot County sewer system now. Further delay is not a prudent option. He recognizes and appreciates the hard work that the Planning Commission devoted to the Comprehensive Plan. He urges the Planning Commission to continue that hard work and to support Resolution 250 and amendments to Resolution 250 and Bill 1378 and to convey that to the County Council. A major premise of the Comprehensive Plan is the preservation of Talbot County small villages such as Neavitt and its rural lifestyle. For example we have numerous Neavitt Community Association sponsored events beginning with a crab drop at midnight on New Year's eve, equinox bon fires, picnics, pizza night, Christmas caroling, a visit from Santa Claus on the fire truck of the St. Michaels Volunteer Fire Company where families wait by the road. We also have a July 4th fun run where some bike, some walk, some ride tricycles and some run. We are a community where most residents, most homes are identified with address signs that are designed and made by the late Carol Camert. We have a community of walkers. Support of Resolution 250 with the amendments and Bill 1378 is consistent with and will enhance the effectiveness of the Comprehensive Plan. This will ensure that Neavitt not only survives but flourishes. He encourages the Commission to draw on their creativity to find a way to bring sewer services to Bozman/Neavitt now. In short, the future is now.

Kirk Harper, Claiborne Road, stated he agrees with the idea of extending sewer to the villages and Bozman/Neavitt. Except for the roadblock that was thrown in by the lack of knowledge about this State law and it is also in the County Code, we would be happily moving along. The idea of doing a fly by night amendment to the Comprehensive Plan leaves some of them mystified and concerned about the process. There was a lot of time spent on the Comprehensive Plan and this change that is being proposed, Bill 1378, concerns people because of the unknowns that might flow from it. One of the goals he has been involved with through the years is to reduce the number of unknowns when you take an action. Mr. Harper stated he is also aware of the funding deadline Mr. Clarke is working with and the changes in funding over the next couple of years. He is also aware of Mr. Junkin's suggestion that Bill 1378 could be written more narrow and limited to the Bozman/Neavitt corridor. He would recommend to the County Council that they approve Bill 1378 but that it be amended so that it includes only Bozman/Neavitt and is not an overall amendment to the Comprehensive Plan.

Commissioner Councill asked if there were some probable amendments with Bill 1378 that could be done?

Mr. Kupersmith said the Planning Commission could clarify what the intent is. We have not looked at the idea of expressly limiting this language to the

651 Bozman/Neavitt corridor. If that were done and that were the case in a few years
652 Mr. Clarke had the opportunity for a sewer extension to Claiborne, Wittman or
653 McDaniel, that area, we would then have to revisit the question if this language is
654 limited. We would have to revisit the sewer service map out to Claiborne if there
655 were Tier IIIB or Tier IIIC properties that abutted Tier IVs. One version of the
656 language was where State law requires a Tier IV property to be connected, it
657 should be connected. That is pretty restrictive. What is being proposed is more
658 restrictive in that it is saying that Tier IV should only be included where it is
659 required by State law. The current version of Bill 1378 is one way of saying that.
660 Another way of saying it a little clearer, simpler, would be, subject to available
661 wastewater treatment capacity, Tier IV properties may have public sewer where
662 such connection is required by Federal or State law. You are simply stating that
663 under such circumstances a Tier IV property could have sewer where required by
664 State law, not under any other various circumstances. This would again apply
665 across the board, not just in a specific area. There have been comments about how
666 this language could impact 113,000 acres of farm land. It should be noted that
667 when the Tier Maps were updated and revised, the Tier III-B and Tier III-C areas,
668 which are the ones where sewer is contemplated, are really limited to the western
669 part of the County. Much of the Tier IV farmland is probably in the eastern part of
670 the County. There is no sewer plant out there and there is less of a need and there
671 are not the same groundwater penetration problems. Certainly, if it is your
672 judgment that this proposal should be limited to a certain part of the County it is
673 something that could be looked at. It could mean coming back later and doing
674 another amendment if we need to extend sewer later. We have this Carroll's
675 Market policy that everyone has some degree of confidence in. The Carroll's
676 Market policy is one that we have tried to incorporate into Resolution 250, if you
677 have a property that is abutting the line that has exhausted all its other options it
678 could come in. If we limit the Tier IV connections to Bozman and Neavitt it is
679 possible you could have a Carroll's Market situation elsewhere in the County.

680
681 Bill Anderson, Public Works Advisory Board, stated he did not plan to speak
682 today. He wanted to second the suggestion of Mr. Junkin and embellished by Mr.
683 Harper, to look for a way to narrow the effect of Bill 1378 to Bozman/Neavitt so
684 we can move forward. The nub of the concern here is that Amendment 1 would
685 include sewer service to some Tier IV properties. He stated he spent hours with
686 some of the Commissioners pouring over the maps for the Comprehensive Plan
687 figuring out which properties were going to be Tier IV and make those
688 recommendations to the County Council. He is afraid in some respects they got it
689 wrong. Since then he had a chance to look at the implementation, guidance for
690 SB 236 from the Maryland Department of Planning. How did we go overboard?
691 Tier IV simply means that no major subdivision is allowed on septic. Tier IV
692 areas are planned for conservation and preservation and prohibit residential major
693 subdivisions on septic systems. That is the purpose of the Tier IV, not to prohibit
694 the extension of sewer to areas that may qualify and indeed may need sewer. The
695 language of the bill is: Tier IV areas are areas that are not planned for sewer
696 service; areas planned or zoned by a local jurisdiction for preservation or

conservation; areas dominated by agricultural lands, forest lands, or other natural areas; or rural legacy areas, priority preservation areas, or areas subject to covenants, restrictions, conditions, or conservation easements for the benefit of or held by a state agency, for the purpose of conserving natural resources or agricultural land. We certainly apply Tier IV to a lot of properties and categories that don't fit within those definitions. What is dominated by agricultural or forested land? For this approach the MDP recommends that areas initially be mapped to include: agricultural and forest lands that adjoin or are contiguous to other Tier IV areas; other Tier IV areas include zoning district planned and zoned for presser, conservation, PPAs and rural legacy areas or isolated areas of 100 acres or larger of contiguous combined agricultural forest and other natural land covers; or isolated areas of contiguous combined agricultural forest and other natural land covers that are smaller than 100 acres in size but that have stand alone resource value identified by the State, local government or private sector. Such areas will generally be surrounded by non-agricultural, non-forest, land uses which may be residential or other Tier I, Tier II or Tier III lands. He believes they applied Tier IV to a lot of individual properties that were singled out as they went through the process of mapping. He does not think they can say they are infallible. He can't see any objection to correcting some of the errors that they may have made.

Commissioner Sullivan stated this could go on for months. It is up to the County Council to basically say if we want to proceed with Resolution 250, we need to move ahead with this. Let's take this step and let the State say we will go ahead with this instead of changing our entire Comprehensive Plan. His recommendation is go ahead with Resolution 250.

Commissioner Fischer asked if we just move ahead with Resolution 250 could we get it done?

Mr. Clarke said because of the inconsistencies with State law they are going to deny it because it is inconsistent with the State law.

Mr. Kupersmith stated Section 9-661, which is Connection to the System, and A.1 is the provision that says: When constructing a sewer line sanitary commission shall construct a connection to the property line of each parcel that abuts the way the sewer line is laid." That is the abutting principal. 2. However Sanitary Commission of Worcester County may determine not to construct a connector to any parcel that lacks a plumbing system at the time of construction of the line. At the time and in the manner that it determines to be appropriate Sanitary Commission of Worcester County shall construct or permit the construction of a connector to any parcel that the owner requests the connection and that abuts the way the line is laid. Maybe there is another carve out somewhere else, but that is a carve out for Worcester, but effectively it is a delay.

Commissioner Sullivan stated that is all we are looking for, because if the delay is in deciding what Tier IV is going to come in that is fine. We can bring them in over time, and it can be something we do in a measured way versus let's throw those lots when we really don't know what's going to happen with them. Let's get the line, then get a waiver for the additional lots so abutting lots can be brought in. Mr. Kupersmith stated this is not in COMAR, it is in the Environmental Article, it requires an Act of the General Assembly in Talbot County.

Commissioner Boicourt stated that sounds like a substantial delay in the process. He stated his preference was a targeted Bozman/Neavitt line. He felt they should look at the chart and recognize Bill 1378 as a necessary component. There has to be an understanding that the entire County zoning has not been finalized. The implications for the actions of Bill 1378 cannot be done in the entire County in this timeframe. The unknowns are too large. We worry about possibly having to do it again and we incur the risk because these are big decisions. He stated he is leaning to suggesting we go forward with Bill 1378 for Bozman/Neavitt. The language speaks to a very narrow set of people. If we, the Planning Commission, do not understand it, how is the public going to understand it. Another point that was made was making sure the protections were there for doing what we think we are doing. That is extending to the new service areas, except for the Carroll's Market exception, and make sure that is protected enough, between the sewer service areas. He recommends that Bill 1378 be altered with these provisions.

Commissioner Spies stated he does not want to do it piecemeal. If we ran this line down to Oxford, what if Bozman/Neavitt wanted to do it? If we agree it is going to work in Bozman/Neavitt then it works in the County. He is in support of Bill 1378. First you have to run the sewer line. Then you have to go through the process of the abutting properties. We are talking about preserving the character of the rural villages. He stated he is more worried about these villages dying. These villages' characters are declining. We need to help get the sewer line in. We don't have to pony up the money out of our pockets. Getting the money to make this a reality is important. Yes if we pass this is it difficult to get the toothpaste back in the tube, maybe it is. Was it difficult to pass the less than five and more than twenty laws? Yes, it was. So we have the ability to evaluate it and say if it is not going the way we want, get it right in the future. If we run the line and no one has the money to hook up their houses we just wasted County money because no one can afford it. So the money is important, the timing is important.

Commissioner Sullivan stated he agrees with everything, but understand we are going to have to go through this again anyway. It is necessary to establish criteria in which properties are identified as Tier IV. We need to pass the Bill, move forward, and get the line going. Let's not spend another year talking about criteria.

Commissioner Spies stated not set it up for Bozman and Neavitt so we can get it passed. We should be voting on this Bill based on what it does for the Community and the County.

Commissioner Boicourt stated the reason they are not willing to do that is there are so many uncertainties about the applications of this sewer extension process to other parts of the County. The distribution between Tier III-B and Tier III-C might have a stronger need down there but have not heard it yet. It takes time and we have not given it time to get it right for the rest of the County.

Commissioner Councell stated he is sensing that there may be some support for limiting to Bozman and Neavitt, but not support for the overall Bill as it stands. In the interest of moving this forward for the residents of Bozman and Neavitt he would support the restrictive language at this time, but come back and fix the language at a later time.

Commissioner Sullivan stated developing the criteria would give us the information to the start the process to move forward for the other areas. We are going to have to deal with this for every one of these villages. He did not want to develop it for everyone because some of those villages may not get sewer during their lifetime.

Commissioner Fischer asked Mr. Kupersmith if it was appropriate to vote on Bill 1378 without the amendments. Mr. Kupersmith said they could vote on Bill 1378 as it is written and then they could add comments to it, you could add alternative language to it. The Council is asking for your recommendation on this question. Under what circumstances should Tier IV properties be eligible for sewer services? Bill 1378 proposes one set of circumstances, if you have a better way to frame that or if you have other suggestions or the whole concept then you can offer that as the recommendation.

Commissioner Fischer suggested taking a vote and attaching a document with members of the Commission expressing their view of what tweaks needed to be made.

Mr. Kupersmith stated under the Charter of the legislative process, after the Council holds the public hearing, amendments to a piece of legislation can be proposed. So after the public hearing they would be in a position to amend this language or not. If the change was substantive it would have to be re-advertised, etc. That is a separate issue and if we have to cross it, we will cross it later.

Mr. Kupersmith stated with the Bill 1378 question, under what circumstances, perhaps limited circumstances, is it appropriate to extend sewer service to Tier IV. Once you grapple with that question you can make a recommendation as to whether that language makes sense to you or whether you have a different solution. You then have the separate question as to whether the Resolution 250

832 Amendments are consistent with Bill 1378? The County Council could move
833 forward with Bill 1378. They are still looking to you, whether you approve of Bill
834 1378 or not, to make a finding of consistency of the Amendments with the Plan as
835 amended by Bill 1378; even though as people have pointed out Bill 1378 has not
836 been adopted yet. If this Amendment became effective, would this amended
837 version of Resolution 250 be consistent.
838

839 Mr. Kupersmith stated the Amendments to Resolutions 250, they are not talking
840 about any other amendments or changes to these amendments. They are looking
841 for your opinion on whether or not they are consistent with the Comprehensive
842 Plan.
843

844 Commissioner Fischer asked if the Commission was ready to take a vote on Bill
845 1378 as it stands.
846

847 Commissioner Spies asked if the Planning Commission is committed to coming
848 back and evaluating Bill 1378.
849

850 Commissioner Fischer stated he wants to know if they are ready to vote as it
851 stands.
852

853 Commissioner Sullivan said the Bill says "...necessary to establish criteria...", it
854 is necessary to establish criteria on the properties that are identified. Before this
855 can be effective we have to identify criteria. We can establish that criteria very
856 quickly with Bozman and Neavitt. Then we can do a Countywide criteria after we
857 have looked at all the criteria in the County.
858

859 Commissioner Fischer stated he is not in favor of cutting out Bozman and Neavitt.
860 It sets a precedent that would be set that we would not be able to overcome
861 anywhere else. But what we are charged to do here is look at Bill 1378 as it is
862 written. There are other suggestions that have been made here, other objectives in
863 the Comprehensive Plan that we could weave into Bill 1378, other objectives that
864 refer to rural development. He is not interested in amending this thing on the fly
865 so they have to judge this on the fly for a madcap race through this process which
866 he feels is inappropriate. If we set up how we are going to do Bozman and
867 Neavitt, there is going to be great prejudice for the Bozman and Neavitt language
868 when we go over to the other peninsulas.
869

870 Commissioner Sullivan said they better be the same. Part of this is mandated
871 anyway. What is the procedure we are going to develop? Any process is going to
872 be similar with the variation of the lots.
873

874 Commissioner Spies said we do have a short term cut out. This is the cut out. We
875 have the cut out for Bill 1378.
876

Commissioner Sullivan asked Mr. Clarke when he goes back to his office and he is going to start the extension of the line today, what is the rough estimate of time?

Mr. Clarke stated that one village is not that hard. When you start looking at multiple villages and you have to look at the tier maps overlay, and the bigger question will be the western resource conservation zoned lands. The process will take 30-45 days to review and about two months to present. There will still be some unknown with the WRC lots. Amendment 1 does include all of the Tier IV lots.

Commissioner Fischer wanted to thank all the members who came forward and expressed their opinions; it was valuable and very thought-provoking to the Commission. There was disagreement, not on the extension of the sewer, but on the timing of the work we have done so far to cause that to be done. Men and women of good faith can disagree. What we have here is a shared objective but in this case it is a competing objective. We all agree that we want to take sewer down to Bozman and Neavitt and the other western villages. We all agree that preserving the rural character of our County is important and this inclusion of the discovery of this law and the requirement to attach abutting properties to the sewer line has made things more difficult that we had hoped they would be. There are countless references within the Comprehensive Plan to extending sewer and there are countless references to preserving the rural character. They both exist and we are here today to make sure in serving one of those values, one of those visions, we don't give short shrift to the other. In our conversations over the last decade about sewer lines, the statement has been yes we want to do it, but do not open up those lines to development. We want denied access lines, limited access lines, that was the key to every conversation over the last decade. That was the reason why Tier IV was not described as eligible for sewer in the Comprehensive Plan. Nobody ever imagined that we would be providing sewer service to those properties. It wasn't a dream of anyone. That is what you are hearing from people today. Commissioner Fischer stated he is totally on board with extending sewer to Bozman and Neavitt, but he has misgivings about doing it in haste, a point which has been expressed by some people here today. Particularly if we unnecessarily and adversely affect the other vision which we have for this County which is not a new vision, which Mr. Cowee pointed out. We have been dealing with zoning and careful planning to preserve the rural character since 1953, since the Depot was proposed at Wade's Point. The Planning Commission since that time have placed a very high value on our rural character. That is sixteen different groups of men and women sitting up here who have tried to achieve that end and have given us the County that we have today as a result of that vision. We are looking at a process here that we have spent approximately 8 weeks discussing. This bill was not presented to us until the 28th of November. We have had a very short time period to evaluate and assess, asked all the questions in the time that we had. Kent Island took two and a half years. He stated he knew some of that was in litigation, they had countless public meetings, workshops, everyone knew what was going

923 on. He doubts if any of the Tier IV properties have any idea that sewer is coming
924 their way. He knows that Indian Point is aware, but he is not sure of any of the
925 other properties. He read from a short excerpt from a letter from a constituent.
926 Commissioner Fischer stated the message is that a County, any jurisdiction, needs
927 to take time to get it right. Amending the Comprehensive Plan and extending a
928 sewer line are not minor events, they are major events. This is probably the most
929 major event that comes before the Commission all year. We have had today the
930 ESLC, to say we are going too fast. We have had CBF, Alan is here today and
931 Eric has been here before. They are not leaving time to ask all the questions you
932 need to ask. Shore Rivers worked two years with Kent Island people to make sure
933 they got their line right. Yet they have been not been contacted by our County.
934 Here they all feel the County is moving too fast. Commissioner Fischer stated he
935 was asked last week what would he do if we did not pass Bill 1378? He stated he
936 would have the time to follow the normal process of good government. They
937 would update the Comprehensive Plan, update the Zoning Code, and update the
938 Water and Sewer Plan, in that order. You don't propose an update to the Water
939 and Sewer Plan in the middle of a Zoning Ordinance update. Secondly we would
940 have time to complete the Zoning Ordinance and would have time to know
941 whether Ray's numbers at 1:2 or whether CBF's numbers at 1:1 were correct. We
942 are at 1:2 under the moratorium. The consultants are talking about 1:1. We have
943 not heard a County Council member's view of 1:1 and we have not discussed 1:1
944 yet. Third, we will have completed an analysis of legislation of ghost lots. We
945 have not passed legislation yet. Fourth, we will have a better understanding of
946 Tier IV properties on the other peninsulas. Other things may change over time.
947 The fact that we pass Bill 1378 will not. Fifth, in light of the abutting property
948 requirement we could assess if we have to go down to the Tier III-C properties.
949 Sixth we would have time to meet with Tier III-C and Tier IV property owners.
950 We would advise all Tier IV property owners they may have to attach. Seventh,
951 we would have time to explore alternatives. Eighth, we would have time to advise
952 the public fully by public forums of what is coming at them before we decide that
953 it is coming at them. Finally, he and Commissioner Councill met with County
954 Staff last week. With this bill we are hurrying, we are acting in haste, it is not
955 right, it is not wise, it is not good government, it is not good business.
956 Consequently we will be in error to recommend this bill.

957
958 Commissioner Spies stated he does not understand why we could not do all of
959 these things if we pass Bill 1378. We have an opportunity to get money and move
960 a sewer line where needed. We are afraid of the unknown and are ignoring the
961 known. We know the water is being polluted by failing septic systems, we know
962 people are losing value in their homes, we know peoples' homes are becoming
963 unlivable. Are these communities going to all of a sudden have three hundred new
964 homes in the next three years? If we pass this and move forward we have the
965 ability to evaluate, adjust and change it. He is in support of it not because of the
966 process, or because it was done right. There is an opportunity to take advantage of
967 it and if not, then change it. If we don't pass it we have lost an opportunity. There
968 are a lot of great businessmen that did things fast and made a lot of money.

Commissioner Sullivan asked Mr. Clarke if we take the next few months to rework the legislation, how would that effect the timing of the Bozman and Neavitt sewer?

Mr. Clarke stated that there would have to be another Comprehensive Water and Sewer Amendment introduced which would have to go back to the State for approval. He wanted to highlight that the January 31st date is a date engraved in his head. The Commission may not be aware of this but the Comprehensive Plan and Zoning were supposed to have been done by April 28, 2014. If you are going to take the delay, please get it done. The Sanitary District and the environment is in definite need of getting this done.

Commissioner Councill asked Mr. Kupersmith if the Planning Commission were to vote to recommend approval of Bill 1378 could they then come back with amendments?

Mr. Kupersmith stated it was the Commissioner's prerogative to send suggestions to the County Council.

There was discussion among the Commission members and Mr. Kupersmith.

Commissioner Councill moved to recommend the County Council approve Bill 1378 with Amendment 1, subject to available wastewater treatment capacity and in the Region II - Bozman/Neavitt sewer service area Tier IV properties may have public sewer service where such connection is required or authorized pursuant to federal or state law.

Commissioner Fischer asked if this language was circulated to the public, if the public knew about this language?

Mr. Kupersmith stated the Commission has to decide if they want to propose any changes to Bill 1378 or not.

Commissioner Councill stated he saw that language as more restrictive. How can we get sewer to Bozman and Neavitt?

Mr. Kupersmith stated the benefit of drafting actual language that you can offer is then you can look at consistency with Resolution 250, Amendment 1 after you have offered that specific language and you present the Council with a package that is ready to go.

Commissioner Fischer stated he is very uneasy with writing language. He stated he does not think that is the right thing to do at all.

Ms. Verdery stated if they do not want to put it in specific language they can put it in bullet points versus as a sentence, subject to capacity, subject to Tier IV.

Mr. Kupersmith stated they would benefit from a break to write something up on this. They will need a little time to come up with the language.

Commissioner Fischer stated it would be his preference to give a straight up and down vote and give their thoughts and ideas in an aside document.

Commissioner Councell asked if Mr. Kupersmith drafted the language so that it could go to the County Council next week, would we be willing to come back shortly thereafter for vote on consistency. Mr. Kupersmith stated the County Council would not have a final vote until the Planning Commission had voted on consistency. Commissioner Boicourt said we need to vote on Bill 1378 as written.

Commissioner Sullivan moved to recommend against approval of Bill 1378, Commissioner Boicourt seconded the motion. The motion carried 3-2 against approval of Bill 1378. (Sullivan, Boicourt, Fischer – Against; Spies, Councell - For)

Adjourn for lunch at 1:05 pm

Re-adjourn to meeting at 1:41 pm

Ms. Verdery stated that even though the Commission recommended by a 3 to 2 vote that Bill 1378 not be approved by the County Council, that is a recommendation, they still may approve it. The Commission still needs to make a determination on the consistency of Bill 1378.

Mr. Kupersmith provided the Commission with draft language prepared for the Commission based on their comments for Bill 1378. Commissioner Fischer stated the intent was to balance the Whereas clauses that were made during the support of the sewer systems and the other vision of the County Comprehensive Plan. This would be a document that would be transmitted to the County Council as a suggestion from the Commission.

Commissioner Councell asked would they go back and say they would support Bill 1378 with this language? Commissioner Fischer stated they did not need motions, did they?

The Commission reviewed the first six items and were in agreement.

Commissioner Fischer read: "Subject to available waste water treatment capacity Tier IV properties in the Region II - Bozeman/Neavitt sewer service area may have public sewer service where such connection is required..."

Commissioner Sullivan asked if what we were talking about not in Bozman/Neavitt in the special sewer designated areas?

Commissioner Fischer stated this language makes Bill 1378 specific to Bozman and Neavitt. This takes away the concern that we have not evaluated the rest of the County.

Mr. Kupersmith concurred that the only area allowed an express provision allowing sewer to Tier IV would be the Bozman/Neavitt area. Commissioner Fischer stated it is a little bit strange because we are dealing with State law. Under State law Tier IV properties must be hooked up if they are abutting a lateral line. Mr. Kupersmith said there would be an argument like the litigants in the southern Kent Island case sought to assert those abutting principals to get a connection. That State law will exist until the General Assembly changes it regardless of what we do in the Comprehensive Plan.

Commissioner Fischer stated what we are going to do is obey State law in Bozman and Neavitt. Commissioner Spies said we have septic issues to deal with and we need the framework to be able to deal with those other areas more easily than a six hour meeting. We need to take those steps in the process. Mr. Kupersmith stated while the State law would still apply, say in Claiborne, if this language limits it to Bozman and Neavitt and someone came forward with a proposal to Claiborne, you would have to consider it on consistency. The line would never get there because it only contemplates Tier IVs in Bozman and Neavitt. It depends on the effect of this language.

Commissioner Sullivan was saying the language abutting or across the road, because abutting was defined.

Ms. O'Donnell stated that the Comprehensive Plan is a document that helped guide things. The first draft of Bill 1378 is very precise about the abutments, about those issues and give lots of extensive criteria. The core of this refers to the State law. The more you tinker around with these details the more you add ambiguity to the issue. We are putting this in because of the abutments. If you are thinking this language will likely in the future eliminate a region you need to have it be like the rest of the document, speak to global issues. She said that would be her concern to adding abutment issues.

Commissioner Sullivan stated it is State law for abutments. If you add the language the properties as you define them. All he is saying those properties that abut to this specific area. Ms. O'Donnell stated the problem is that the definition of abutment is properties within the service area that are on a non-interceptor line. If you say properties that abut the main line, then you are saying anyone that is along the line could ask to be included. So you would have to say abutting property along the service area that are along a non-interceptor line could get more specific. Commissioner Fischer stated he would rather not get into more

1106 detailed language. He thinks Mr. Sullivan's concern, "where such connection is
1107 required pursuant to federal or State law", that brings in the abutting issue without
1108 having to specify it.

1109
1110 Mr. Kupersmith stated this language is clear if the desire is to limit the
1111 connections to the Bozman Neavitt corridor, it accomplishes that purpose. If the
1112 County Council amended Bill 1378 and these whereas clauses were added to the
1113 recitals and the body of the substantive provisions would be changed so the
1114 specific language about the abutting would be replaced with this language.

1115
1116 Commissioner Fischer asked has anyone looked at what would happen along the
1117 Royal Oak/Bellevue line, along there? Mr. Kupersmith said it is still the abutting
1118 principal. Someone who is an abutter could ask, or could ask based on the State
1119 law provisions. He is assuming that most of the pockets of sewer service area are
1120 Tier III-Bs. The effectiveness would accomplish what it says. It would say if you
1121 abutted a Tier III-B or a Tier III-C and you were a Tier IV you could conceivably
1122 have sewer.

1123
1124 Mr. Clarke stated the Royal Oak, Newcomb and Bellevue system goes straight out
1125 to Bellevue. Thorntown Road also goes out to the peninsula and we brought
1126 everybody in. The only thing on each side was water. We have gone by
1127 properties, and we have properties along the road connected. They were allocated
1128 one lot. There were laterals put in, where there were new lots put in we had to add
1129 laterals. He stated they have been very good about bringing in areas. When they
1130 did Resolution 235 it brought in mostly areas.

1131
1132 Commissioner Sullivan stated on September 26, 2017 the Council proposed
1133 Resolution 250 which creates a new sewer service comprised of certain parcels of
1134 land which are in fact identified in certain Tier III-C parcels contiguous to the
1135 Village areas which are also identified. Both the Tier III-B and Tier III-C parcels
1136 are identified in Resolution 250. Amendment 1 does those plus the Tier IV.
1137 Whereas, the Environmental Article of our Maryland Code requires that any
1138 property abutting upon a street or right of way in which a septic sewer main shall
1139 be provided with sewer connection. It does not say anything about capacity there.
1140 Then it says wherein Resolution 250 is introduced it does not include all the
1141 properties that abut the sewer line. That is a different criteria than a street or right
1142 of way. There is an inconsistency right there. That is a State law, it should be the
1143 same language. Whereas, in order to comply with the State and local law and to
1144 adequately address failing septic systems and environmental concerns from new
1145 septic system in areas of the western part of the County, why don't we just say
1146 right there the Bozman/Neavitt area properties as indicated, all locked into one.

1147
1148 Ms. O'Donnell stated the whereas clause indicates legislative intent and the actual
1149 language in the Comprehensive Plan is the part after the whereas clause, so this
1150 two line is the controlling language.

Commissioner Fischer stated the new language is at the bottom of page 4 and the top of page 5.

Commissioner Sullivan stated with all the whereas phrases on Resolution 250 all identified to this you know. Ms. O'Donnell stated the suggestion would be to delete all of that; to take all of the language in blue and underlined and delete it and add the two lines in the sheet. The part that is not underlined is current law. The suggestion is that the current draft of Resolution 1378, there may be a cleaner way to accomplish the suggested language. The two line proposal is the entire amendment to the Comprehensive Plan.

Commissioner Fisher asked if the group is in agreement to remove the entire three blue paragraphs and add the two lines.

Mr. Kupersmith stated the question is if the Commission wanted to suggest to the County Council that they limit the scope of the Amendment to the Bozman/Neavitt corridor? Do you want more in the whereas clauses regarding rural character?

Commissioner Fischer asked for public comment on the proposed comments.

Tom Alspach, stated the best suggestion he heard was to just pass the original Resolution 250 and forget about everything else. The Amendment to Bill 1378, you don't need more language to say you are going to comply with the law. It does not have to be in the Comprehensive Plan to say you are going to comply with it. What is the effect of it not being in the Comprehensive Plan? It may resolve this question of how many people want to hook up to the sewer line in Bozman and Neavitt. You have these three carve outs about when you actually have to hook up when you are in Tier IV. Those three carve outs basically make the hook up requirement meaningless. If you don't improve your property by more than fifty percent of value and you simply will your property to your children or grandchildren you never have to hook up. Those two are at complete odds with each other. He would suggest we just pass the original Resolution 250, it addresses Mr. Spies concerns, Mr. Councill's concerns, and when someone comes along and says they want to hook up, you have to hook him up, because it is the law.

Mr. Clarke stated that the application is pending until the Maryland Department of Planning has approved it. If MDE finds that Resolution 250 would not be approved then we would not be eligible for funding since that is a requirement for funding. If Resolution 250 is amended with the maps and the maps show what they want then we will probably be approved. The other thing the State wanted is those lines showing limited and denied. Resolution 250 does not have that.

The Commission voted 5-0 for the WHEREAS paragraphs (top six paragraphs on page).

The Commission voted 4-1 for the “Subject to” paragraph (last paragraph on bottom of page). (Fischer - against)

Commissioner Councill moved to forward the two sections as recommendations to the County Council. Commissioner Spies seconded the Motion.

Commissioner Fischer asked what motions they needed on the Amendments. Ms. Verdery stated they needed a motion if Bill 1378, as written, was consistent with the Comprehensive Plan, and secondly with the recommendations made if it was consistent.

Commissioner Boicourt stated he feels strongly he cannot participate in a vote when they do not have a passed Bill in front of them. The Planning Commission should vote what they have in front of them. We want to be very clear and take the decision very seriously. Mr. Kupersmith stated that the implication of not moving forward with the Amendments to Resolution 250 is that next week the County Council is going to meet and have the opportunity to consider Bill 1378 and possibly amendments to Bill 1378 per your suggestions. They are going to have their second meeting on January 23rd. You would come back after looking at the approved Bill 1378 to present at the meeting on January 23rd. Ms. Verdery stated that we can continue this meeting and advertise it on our web page.

Commissioner Sullivan moved to table the discussion of the Amendments to Resolution 250 until after passage of Bill 1378.

Ms. Verdery asked for volunteers for a meeting on the 16th. She also requested the Commission to decide on two dates in January for the entire Commission to meet to work on the NextStep190 project. Finally, she needed two (2) volunteers for the Noise Ordinance meeting (Boicourt and Councill).

- b. Small Scale Subdivision—Change Point Land Company LLC #M1162—6530 Bozman Neavitt Road, Neavitt, Maryland 21652 (map 39, grid 20, parcel 89, zoned Rural Conservation), Elizabeth Fink, Fink, Whitten & Associates, LLC, Agent.

Mr. Tarleton presented the staff report for a Preliminary Small Scale Subdivision to create one buildable lot approximately 5 acres in size on a property located at 6530 Bozman Neavitt Road. Although the subdivision plat is listed as a Major subdivision, the parcel is classified as a Tier IV septic tier designation.

Staff recommendations include:

1. Address the December 13, 2017 Technical Advisory Committee (TAC) comments from the Department of Planning & Zoning, Department of Public

Works, Environmental Health Department, Talbot Soil Conservation District and the Environmental Planner prior to Final Plat Submittal.

2. Address the encroachment of the proposed SDA into the drainage and utility easement associated with Change Point Lane, based upon the comments at the December 13, 2017 TAC meeting, and resubmit a revised plat with topography for TAC meeting review.

Elizabeth Fink and Bob Jump appeared before the Commission. Ms. Fink stated Mr. Jump is trying to cut out a lot for the future. He will continue to farm the land. Mr. Jump wants to defer planting because he wants to keep the land in farmland. Ms. Deflaux stated they do not require the afforestation of farmland.

Commissioner Boicourt asked for public comments; none were made.

Commissioner Sullivan moved to approve the Small Scale Subdivision for Change Point Land Co., 6530 Bozman Neavitt Road, Neavitt, Maryland, with staff recommendations being complied with. Commissioner Boicourt seconded the motion. The motion carried unanimously.

- c. Major Site Plan—LS Futures, LLC #SP590—Address (map 62, grid 19, parcel 43, zoned Limited Commercial), Jake Laureska, Rauch, Inc., Agent.

Mr. Tarleton presented the staff report for the Major Site Plan for a two phase construction project to allow for the operation of two separate businesses: (1) to relocate an existing crab shack business on the neighboring parcel onto parcel 43 to function as a seafood carryout business with no on-site seating, and (2) to create a boat maintenance and repair facility that will provide regular mechanical boat maintenance, electrical work and other system repairs. There will be no painting or boat finishing contained within this facility and there will be no permanent boat storage permitted or approved on parcel 43. All associated grading, paving, and stormwater management will be completed in the phase 1 of this project.

Staff recommendations:

1. Address the December 13, 2017 Technical Advisory Committee comments from the Department of Planning & Zoning, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District, the Environmental Planner and the Critical Area Commission and resubmit for another TAC meeting for further review of this Major Site Plan.

Jake Laureska, Rowe, Inc. and Casey Rowe, Civil Engineer, on behalf of applicant, Ms. Sheryl Hughes, owner. There are three parcels relevant to the project. Parcel 80 was dredged back in the Sixties and houses the T. L. Morris Crab Company. It has a ship store, the current boat maintenance facility they use for their repairs and painting. There is a boat ramp for their motorized lift, storage

and slips. Parcel 43 was the Ferry Boat that was there for years. Ms. Hughes has been working diligently to make it better and turn it into a more successful gateway into Talbot County. There is a reason it was called Gateway Marina because it was the first thing you saw when you came into Talbot County. We are trying to restore that Gateway to some of its former glory. What is being proposed is roughly a little under 8,000 sq.ft. What we are proposing is a one-story boat maintenance facility and crab shack. The big portion on the north side will house the boat maintenance facility. It will have a large door they can bring a motorized lift in and out and drop boats off for repair work. The small portion is the crab shack which will replace T. L. Morris as they currently are, serve just carry out, no restaurant, no dining in. It is critical area, limited commercial, in the Intense Development Area. This property is in a Buffer Management Area, which gives it a 50 foot setback. The south side of the building will have parking for the crab shack. There will be a paved road for fire truck access. There will be landscaping and vegetative patches to help buffer the rip rap from the development. On the north side is a gravel staging area which is part parking and part staging area for boats coming into the building. On the top there is a twenty-five percent landscaping requirement with grass and stormwater management. There are two easements which Ms. Hughes has worked out with her attorney. One of the TAC concerns is access across this parcel. Currently cars come in and access Parcel 80, so if one of the parcels was sold they wanted to allow access if they were separated. They wanted to ensure access in the future. They have crafted a legal document that ensures that there is an access point to allow people to cross Parcel 80 to get to Parcel 43. Down here there has been another small easement to allow watermen to dock at the bulkhead and walk across that parcel to the crab shack. The septic system was on Parcel 42 and there was a historic easement which allowed them to use the drain field so that will be the septic field.

Commissioner Boicourt asked what the sea level elevation of the parking lot was. Mr. Lareska said it ranged between 4 and 7.

Mr. Rauch wanted to touch on stormwater management. He has been working with Mr. Mertaugh in coming up with the best stormwater management approach to the property. The existing property was over 85% impervious. The proposed site design is in the low 70s, so there is a 13% reduction, it qualified as a redevelopment. There is a micro bio-retention at the north side of the property. The plans you have show an additional rain garden on the south, but Mr. Mertaugh asked that we remove that rain garden because of concerns of survivability of plants that close to the water. We are going to treat the remainder of the site with rooftop disconnect and non-rooftop disconnect. The County Code for the two uses requires parking of 21 spaces, one being an ADA space. He stated they were able to achieve it by breaking it up with five in the lower area and 16 in the upper area. There are two separate types of hardscapes on the property. The drive to the Crab Shack is asphalt because they wanted to make everything there ADA accessible. The remainder is going to be a drive access to the maintenance facility and it will be left as gravel. Landscaping has been

provided in accordance with the County's Ordinance. Critical Area has asked that a buffer be established between the parking lot and the existing rip rap with a salt tolerant grass.

Commissioner Fischer asked, considering this is the gateway into the County, what would we see on the east side (face) of those buildings there.

Mr. Laureska said, playing off the maritime architecture that exists there, there will be a navy blue and white color scheme going. They have developed a nice logo and we will tie into that. We received a variance because of the boat lift because of the 29 foot door. You will see a low sloped roof with a logo of the graphic of the name and lighting.

Commissioner Boicourt asked about the sign along Route 50, where it would be as far as eye sight coming in along Route 50. Mr. Laureska stated the building sits lower than the highway and the bridge coming in and that alleviates some of the concerns people might have of tall buildings there.

Commissioner Boicourt reminded that glare might be a consideration for the roof. He asked if Mr. Laureska was comfortable with the multiple comments from the Health Department. Mr. Laureska stated they were, they are working with the Health Department to address those.

Commissioner Boicourt asked for public comments; none were made.

Commissioner Spies moved to approve the Major Site Plan for LS Futures LLC - Ferry Point Marina, 1601 Marina Drive, Trappe, Maryland, with all staff recommendations being complied with. Commissioner Sullivan seconded the motion. The motion carried unanimously.

- d. Waiver Request—A-Fordable Tree Service, LLC—9529 Ocean Gateway, Easton, Maryland 21601 (map 25, grid 6, parcel 219, zoned General Commercial), Christopher Waters, Davis, Bowen & Friedel, Inc., Agent.

Mr. Tarleton presented the staff report requesting a waiver of the ten foot wide sidewalk and sidewalk easement on this property.

Staff recommendations include:

1. The applicant shall take all of the required steps and acquire all necessary approvals, including any additional waivers necessary, required for a Major Site Plan and Landscaping Plan as spelled out in the *Talbot County Code*.

Chris Waters, Davis, Bowen & Friedel, Inc. appeared before the Commission on behalf of James E. Ford, Jr., of A-Fordable Tree Service, LLC. He stated when he was here last it was an oversight the sidewalk easement was not addressed.

What brought this about is a meeting at the site with Mr. Ford. There is a power pole and a tree which Mr. Ford is maintaining which will push Mr. Ford back farther onto the site. The ten foot sidewalk easement will push him back even farther. He is limited on his space for his equipment and employee parking because of the sewage area because he has to stay out of that area. The ten foot sidewalk area would be one more space he could use. Where the easement is there is a line that runs to the south off the property, that is the State Highway Easement right-of-way line and it jogs back ten feet. So if that easement was there it would be in the State of Highway right-of-way. On the opposite side is a large side that is currently there and it would be cumbersome to get a sidewalk under the sign.

Commissioner Councell asked if the proposed street trees would cause more of a problem than the sidewalk. Mr. Waters said they do but the street trees and the proposed sign could be moved forward and that area could be used for the parking areas and still have the landscaping. Commissioner Councell asked on the south side if the State Highway easement actually comes ten feet into the southside. Mr. Waters stated that was correct, it almost looks like an extension of the sidewalk easement. Commissioner Councell asked the staff if the owners of the properties to the south, how they saw this playing out somewhere down the road. Ms. Deflaux said she believes Delmarva Real Estate is in the Town of Easton now. Mr. Tarleton said this is in the Gateway and we sent this to the Town of Easton and they did not really have an issue with waiving the Easement. None of these other properties are actually connected to the sidewalk currently. The reason for getting rid of the sidewalk easement was to allow for the landscaping to move forward on the property and buffer that area from the roadway and Route 50 and allow the business to operate with a little bit of screening and along the residential parcels as well.

Commissioner Councell asked if the Planning Commission voted not to vote for the sidewalk at this time, but wanted to hold the ten foot wide easement for the future, could the landscaping go into the sidewalk easement, and if the sidewalk easement were ever needed, the owner would be required to move the landscaping out of there. Mr. Tarleton stated that is correct.

Commissioner Boicourt stated he is normally a strong proponent of sidewalk easements but at this location, the traffic on Route 50 goes so fast, and approval was given from the Town. If we do allow them to plant that would allow the landowner to do what they want and still maintain a potential screening. When the tree gets a full growth we could have an 80 year old tree in the easement. Mr. Salinas clarified that they would not allow a tree to be planted in the easement.

Commissioner Fischer asked for public comments; none were made.

Commissioner Spies moved to waive the sidewalk easement with all staff recommendations being complied with. Commissioner Sullivan seconded the motion. The motion carried unanimously.

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1429 **6. Discussions Items**
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1431 Ms. Verdery stated they needed to schedule two more work sessions to continue the
1432 discussion of Bill 1378 and the Amendments to Resolution 250, NextStep190 and for the
1433 Village Maps. She said she also needed two Commission members on the morning of the
1434 16th to meet with Critical Area regarding NextStep 190 and two members to volunteer
1435 for the Noise Ordinance Committee.
1436

1437 Upon checking their calendars Commissioners Fischer and Boicourt volunteered for the
1438 Critical Area meeting the morning of the 16th at 10:30 a.m. It was also decided to have
1439 one of the work sessions on the afternoon of the 16th at 3:00 p.m. to discuss Bill 1378
1440 and amendments to Resolution 250.
1441

1442 The next work session will be at 9:00 a.m. on the 18th for NextStep 190 and the final
1443 work session will be January 30th at 9:00 a.m. for NextStep 190 and the village maps.
1444

1445 Carole Sellman stated she will notify the Commissioners of the location of the work
1446 sessions.
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1448 Commissioners Boicourt and Councell volunteered for the Noise Ordinance Committee.
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1450 **7. Staff Matters**
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1452 **8. WorkSessions**
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1454 **9. Commission Matters**
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1456 **10. Adjournment**—Commissioner Boicourt adjourned the meeting at 3:29 p.m.
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